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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,893	06/23/2000	Rabindranath Dutta	AUS000065US1	1455

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EXAMINER

SAX, STEVEN PAUL

ART UNIT PAPER NUMBER

2174

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,893

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The response filed 10/7/04 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon et al (6072486) and Klingler et al (5404316).

4. Regarding claim 1, Sheldon et al show the method for displaying icons within a data processing system (Figure 7 for example), which: determines a quantity of a plurality of icons to be displayed on a display screen (column 2 lines 30-42 and 49-66, column 6 lines 43-55), determines a designated area on the screen for displaying the icons (column 2 lines 49-66, Figure 6, column 15 lines 29-42, column 16 lines 4-19, column 18 lines 19-35), scales the icons such that the icons are displayed in the designated area (column 18 lines 29-36, Figure 2). Sheldon et al do not specifically go into the details of the scaling being automatic per se based on the number of icons, but do mention scaling the icons and fitting them to the designated area. Furthermore,

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Klingler et al do show automatically scaling image clips based on number of clips, to fit them to a designated area (see Klingler et al Figures 3, 4, 6, 17, column 3 lines 20-45, column 5 lines 30-60, column 8 lines 13-45). It would have been obvious to a person with ordinary skill in the art to automatically scale the icons in Sheldon et al based on the number of icons, because it would be a convenient way to fit the icons to the designated area.

5. Regarding claim 2, the vector graphic (text based) icon quantity may be determined (Sheldon et al Figures 6, 8A-E, column 16 lines 24-40.)

6. Regarding claim 3, the bitmap graphic icons quantity may be determined (Sheldon et al Figure 10C, column 17 lines 45-55).

7. Regarding claim 4, the icons are displayed on the screen (Sheldon et al Figure 10C for example).

8. Regarding claim 5, the icons include graphic and text images (Sheldon et al Figure 7 for example).

9. Regarding claim 6, the icons may only be text (Sheldon et al Figure 6, 8A-E for example).

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10. Regarding claim 7, the screen has a fixed pixel width and height (standard monitor, Sheldon et al column 6 lines 8-15)

11. Claims 8-14 recite the same features as claims 1-7 respectively and are rejected for the same reasons.

12. Claims 15-21 recite the same features as claims 1-7 respectively and are rejected for the same reasons.

13. Claims 22 and 25 and 29 each recite the same features as claim 1 and each is rejected for the same reasons as claim 1.

14. Regarding claims 23, in addition to that mentioned for claim 1, note again the minimum and maximum size choices for the icon, upon which the displaying is also based. (Sheldon et al column 18 lines 29-36). Note that the claim recites the way of displaying in alternative form, and that scaling the icons is one option. Thus, in addition to the minimum and maximum size choices for the icon, which is noted just now in Sheldon et al, the features for this claim are otherwise all shown in the rejection for claim 1.

15. Regarding claim 24, the minimum and maximum size choices are by user input (Sheldon et al column 18 lines 29-36).

16. Claims 26-27 recite the same features as claims 23-24 respectively and are rejected for the same reasons.

17. Claims 30-31 recite the same features as claims 23-24 respectively and are rejected for the same reasons.

18. Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon et al (6072486) and Klingler et al (5404316) and Bodnar et al (6310634).

19. Regarding claim 28, neither Sheldon et al nor Klingler et al specifically show the handheld device, but Sheldon et al show an interface for fitting icons to a designated area. This is particular applied in many handheld devices (see Bodnar et al column 13 lines 10-45, Figures 3, 4G for example). It would have been obvious to a person with ordinary skill in the art to have this as an output interface in Sheldon et al, because it would provide a convenient output device for an apparatus that fits icons to a designated area.

20. Applicant's arguments filed have been fully considered but they are not persuasive.

Regarding claims 1, 8, 15, 22, 25, 29 (with claim 1 as representative): Applicant acknowledges that Sheldon et al rearranges icons with respect to the number of icons

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and the designation of the area on the screen for displaying the icons, and then applicant proceeds to discuss the Klingler et al reference. Note that Klingler et al is brought in merely to demonstrate how objects can be scaled on a display to make them fit into a region. The aforecited Figures and sections in Klingler et al do show this ability to automatically change the scale of the frames based on the number of frames, even if the number of frames itself is chosen based on a user selected ratio of frames to display. It does not matter whether Klingler et al does not completely show every frame fitting into the display region, and thus if sliders are still needed; it only is necessary to show that in fact frames are scaled to some extent, and based on the number of frames, and to allow more of them to fit into the display. This is shown in Klingler et al. As to demonstrating that all of the objects fit into the display region, Sheldon et al show this and applicant does not refute this. The exact technique of being able to scale automatically based on the number, in order to help fit into a region, is brought in from Klingler et al. This combines properly with Sheldon et al in that both still, even if Klingler not completely, are concerned with helping fit into a region based on the number of objects.

Regarding claim 28: Bodnar et al is brought in merely to show the handheld device. The motivation to combine the handheld feature into the system of Sheldon et al and Klingler et al is proper as the handheld device would be an appropriate output device for such a system that scales objects to fit into a region. It does not matter some of the other features of the system of Bodnar et al, nor whether Bodnar et al itself may not scale objects, but only that it is a handheld output device that would be appropriate

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for such a system. Applicant then simply readdresses the same issues regarding the scaling of the icons, but again, this is already addressed regarding the discussion of Sheldon et al and Klingler et al.

Applicant is invited to contact Examiner to discuss claim interpretation and language.

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

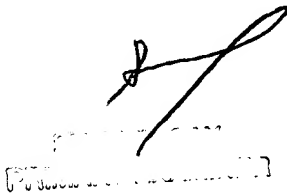
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'P. Kincaid', is written over a rectangular stamp. The stamp contains the text 'Patent Application Information Retrieval (PAIR) System' in a small, sans-serif font.